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Your affiant is Corporal James A. Aughinbaugh, employed by the Pennsylvania State Police. I am an investigative or law enforcement officer of the Commonwealth of Pennsylvania within the meaning of section 5702 of Title 18, PA. C.S.A., and as such, I am empowered to make arrests for criminal offenses therein.

I have been a Pennsylvania State Trooper since April 22nd, 1996. I was assigned as a Patrol Unit member at the Uniontown Station for the State Police in October of 1996, the function of which was to investigate violations of the Pennsylvania Vehicle and Crimes Codes. I was later assigned to the Troop "B" Vice unit in September of 2002. On January 10th, 2009 I was assigned as an investigator with the Pennsylvania State Police Bureau of Criminal Investigations, Western Organized Crime Unit in Allegheny County, Pennsylvania. On October 16th, 2012 I was promoted to the rank of Corporal and assigned as a patrol unit supervisor at the Pennsylvania State Police Uniontown Station. On July 20th, 2013 I was assigned to my current position as a supervisor of the Pennsylvania State Police Bureau of Criminal Investigations Organized Crime Unit. During my assignments to the aforementioned positions within the Pennsylvania State Police I had the opportunity to investigate or assist with investigations of all facets of criminal activity. I have conducted criminal investigations involving the crimes of Criminal Homicide, Burglary, Robbery, Theft, Assaults, Child Abuse, Rape, Firearms Violations, Violations of the Controlled Substance, Device and Cosmetic Act and a host of other crimes as defined by the Pennsylvania Crimes Code. I have conducted and assisted with the investigation of Criminal Homicide, multi-county burglary and theft rings, Political Corruption, Gambling Violations, and Drug Delivery investigations where a variety of investigative tools were used including the use of GPS Tracking Devices being placed on target vehicles.

Additionally, as part of these and other investigations, I have conducted consensual and non-consensual interceptions. I have been the affiant on Court Orders for the installation of Mobile GPS Tracking Devices and the use of Pen Register Trap and Trace. I have been the Co-affiant on a Title III Intercept and have been involved in numerous other Title III non-consensual intercept investigations during which I was responsible for supervising and scheduling other participating officers during surveillance and monitoring details. I have investigated or been involved in over three hundred and fifty investigations for violations of the Controlled Substance Drug, Device and Cosmetic Act. I have worked extensively with confidential informants in the development of cases that have resulted in successful prosecutions. I have testified at numerous trials and hearings at both the State and Federal Court levels and have been accepted as an expert in several counties in regards to investigations involving the sale and delivery of controlled substances. I attended the Class "A" certification course pursuant to the PA Wiretap Act and have been assigned certification number A-3188

Your affiant conducted this investigation following numerous complaints concerning Bedford County District Attorney William HIGGINS breaching his official duties, manipulating and circumventing the rules and laws of the Commonwealth of

Pennsylvania in order to extend protection to, and endow favors upon, female drug dealers and their friends. The investigation revealed that HIGGINS intentionally compromised drug investigations by refusing to authorize a valid search warrant and criminal charges, and, by recklessly disclosing the identity of multiple confidential informants, thereby placing in jeopardy their lives, as well as, the lives of law enforcement officers working in conjunction with the informants.

During the investigation it was determined that a known female drug dealer, who will be referred to as Female 1 throughout this affidavit, sold Suboxone on November 19, 2013 to a confidential informant who was cooperating with Trooper Patrick SNYDER of the Pennsylvania State Police. Unbeknownst to Trooper Snyder, Female 1 was arrested for Burglary in Bedford County in February of 2014. After Female 1 pled guilty to the Burglary charge, Trooper SNYDER spoke to HIGGINS and requested permission to utilize Female 1 as a confidential informant. After speaking with Female 1 and while waiting for a period of time for her to decide if she wanted to cooperate with him, Trooper SNYDER was contacted by HIGGINS rather than Female 1. HIGGINS advised Trooper SNYDER that he spoke to Female 1. Higgins told Snyder that he did not realize who Female 1 was when SNYDER originally asked for permission to use her as a confidential informant. HIGGINS told SNYDER that he prosecuted Female 1 for burglary and imposed a strict sentence. Because of that sentence, Higgins requested Trooper SNYDER to not file criminal charges against Female 1 for the drug delivery. Trooper SNYDER agreed to not file the charges. Bedford County Court records show that Female 1 pled guilty to a Felony 2 Burglary on August 1, 2014 and was sentenced to 6 to 23 months incarceration and three years of probation. Her sentence is in the standard range of the sentencing guidelines.

Female 1 appeared before the 40<sup>th</sup> State-Wide Investigating Grand Jury and testified that during the time Trooper SNYDER requested her to work as a confidential informant she was communicating with HIGGINS frequently, usually through "Snapchat." Female 1 stated that HIGGINS was aware she was involved in the "drug ring in Bedford" based on some of their conversations. Female 1 stated that HIGGINS repeatedly commented on her appearance and later made comments that were sexual in nature. She also stated that she exchanged naked photographs with HIGGINS. These communications were occurring during the time that HIGGINS asked SNYDER to not file the criminal charges against Female 1. Approximately one month later, Female 1 performed oral sex on Higgins. Female 1 also related that she contacted HIGGINS after your affiant served her with a grand jury subpoena and HIGGINS advised her to deny that the two had a sexual relationship.

Female 1 testified that HIGGINS also made favorable plea offers to several of her friends, one she identified as Raymond BABCOCK. Your affiant interviewed Raymond BABCOCK and he related that he was dating Female 1 when he was arrested in 2015 for DUI in Bedford County. He (BABCOCK) was aware of the relationship between Female 1 and District Attorney HIGGINS and at his preliminary

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hearing he was offered what he considered a lenient plea agreement. BABCOCK stated that he knew he was given the lenient plea offer because Female 1 told him she had talked to HIGGINS about the plea and HIGGINS assured her BABCOCK would receive a lenient offer. Your affiant reviewed court docket sheets verifying BABCOCK'S arrest, conviction, and sentencing for DUI in Bedford County.

Through the investigation, your affiant also learned that Female 1 was the target of another drug investigation being conducted by Trooper Michael McCULLOUGH and Deputy Diane NELSON. Both McCULLOUGH and NELSON confirmed that a Confidential Informant attempted to make a controlled purchase from female 1 but the informant was told by Female 1 that she had been warned that the informant was cooperating with law enforcement. The confidential informant and her husband were present at the preliminary hearing for BABCOCK in August 2015 when BABCOCK received his plea offer.

The Confidential Informant's husband made a comment concerning Raymond BABCOCK'S lenient plea. The comment was in regard to Female 1's relationship with HIGGINS. Shortly after the comment was made, HIGGINS demanded that Detective NELSON call the informant from NELSON's office phone. HIGGINS then had a heated conversation with the informant which Detective NELSON overheard. Later that same day, Trooper McCULLOUGH and Detective NELSON attempted to make a controlled buy from Female 1. Female 1 refused to sell to the informant relating that she had been warned to "chill." Female 1 testified at the grand jury that she recalled this incident. She testified that she did not make the sale because HIGGINS verified the fact that the individual attempting to make the controlled purchase was a confidential informant for law enforcement.

In 2016, Female 1 was arrested for Driving Under the Influence in Somerset County. At the time of the arrest, she was still on probation for the burglary conviction in Bedford. Her probation was never violated. Your affiant spoke to David BURKETT, Female 1's probation officer. BURKETT related that, based on the Somerset arrest, he prepared a revocation order which was approved by his supervisor. He was later contacted by the same supervisor and told to "hold off" on Female 1's revocation. He was given no reason why.

Your affiant spoke to Bedford County Probation Supervisor Keith BOWSER. BOWSER stated that he was told by District Attorney William HIGGINS to not violate Female 1 because he (HIGGINS) had discussed the DUI arrest with the Somerset County District Attorney and was advised it was a "weak" case which would not be prosecuted. Your affiant also spoke to the Somerset County District Attorney who stated she never told HIGGINS the case against Female 1 was "weak" or that it would be dismissed.

Another individual identified as a friend of Female 1 received prosecutorial leniency as a result of the relationship between Female 1 and HIGGINS. This

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individual, who will be referred to as TB, cooperated with investigators. On March 20, 2017 Female 1 drove TB to the Bedford State Police Barracks. TB testified that she was going to the Bedford Barracks on that day to meet with Vice Troopers. When TB exited the barracks and returned to Female 1's car, she observed that Female 1 was texting HIGGINS. Female 1 advised TB that she spoke to HIGGINS and that he did not want TB to cooperate with vice investigators. HIGGINS then contacted Sgt. Jordan SPALLONE at the Bedford Barracks and asked why TB was being interviewed by Vice Troopers. SPALLONE, who had no knowledge of the fact TB was being debriefed at the barracks, told HIGGINS he was unaware of the interview. HIGGINS responded that he had information from a good source that TB was at the State Police Barracks being interviewed by Trooper Michael McCULLOUGH.

Your affiant obtained phone records for the date and time that TB was at the Bedford Barracks. The phone records verified numerous contacts between Female 1 and HIGGINS as well as the phone calls from HIGGINS to Sgt. SPALLONE.

TB continued to assist your affiant and placed a phone call to Female 1 concerning her (TB's) possible probation violation as a result of a recent arrest. During the phone call Female 1 advised TB that she spoke to HIGGINS about the arrest and he assured Female 1 that TB would not be violated.

TB testified before the grand jury that she had taken provocative photographs of Female 1 at her (Female 1's) request and later observed Female 1 send the photographs to HIGGINS via her cellular phone. This testimony corroborated the testimony given by Female 1 before the grand jury. TB also testified that she resided with Female 1 when there was an active arrest warrant for her. Because of the warrant, TB moved from Female 1's residence to Johnstown. Female 1 visited her at the Johnstown location and arranged for TB to speak with HIGGINS on her (Female 1's) cellular phone. TB testified that HIGGINS assured her if she turned herself in to authorities he would release her from jail prior to her upcoming birthday. Female 1 corroborated TB's testimony. Your affiant reviewed court docket sheets that reflect a reduction in bond just before TB's birthday which resulted in her release from jail. The docket sheets do not indicate who filed for the reduction and TB testified that she did not request the bond reduction nor was she aware who did.

Your affiant also had the opportunity to interview an individual who will be referred to as Female 2. Female 2 testified before the grand jury. Female 2 stated that she had a close relationship with HIGGINS from 2014 through 2015. During this time, she was taking prescribed pain medication. In October 2014, Female 2 received a message from an individual known to her who will be referred to as CS. CS asked Female 2 to sell him some of her pain medication which she refused to do. Female 2 testified that she told HIGGINS about the request and he warned her not to sell her medication to CS because he was a confidential informant for law enforcement. Trooper Michael McCULLOUGH verified that CS was indeed an active informant during the time frame in question. Female 2 agreed to proactively cooperate with your affiant

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and exchanged several text messages with HIGGINS. During these messages, Female 2 advised HIGGINS that she encountered the individual he had warned her about. When HIGGINS asked whom she was referring to female 2 responded with CS's last name, to which HIGGINS immediately responded back with CS's first name.

During the investigation, Trooper Patrick SNYDER and other members of the Vice Unit executed a search warrant at Female 2's residence. Female 2's husband was arrested for violations of the Controlled Substance, Drug, Device and Cosmetic Act. At his preliminary hearing Trooper SNYDER personally advised HIGGINS that Female 2 could possibly be a co-defendant in the case, but he (SNYDER) needed more time to review cell phone data. Several minutes after his conversation with Trooper SNYDER, HIGGINS was observed by members of PSP speaking to Female 2 in the Bedford County Courthouse. Prior to the preliminary hearing, Female 2 was equipped with a recording device to capture any potential conversation between her and HIGGINS. At the courthouse, Female 2 confronted HIGGINS about the identity of the confidential informant utilized by Trooper SNYDER during the investigation of her husband. Prior to her husband's preliminary hearing, Female 2 advised your affiant that her husband identified "TP" as the individual whom he believed to have cooperated against him. Trooper SNYDER testified that TP was in fact the individual who cooperated against Female 2's husband, however this information was never provided to Female 2 by law enforcement. When Female 2 confronted HIGGINS, she referred to the informant as a "retard." HIGGINS agreed with female 2, stating that he also felt the informant was a "retard". HIGGINS response confirmed the identity of the informant for Female 2. Both Female 2 and Trooper SNYDER testified that TP has a distinct speech pattern which makes him appear to be mentally disabled, but he is not.

Female 2 testified at the grand jury that HIGGINS approached her outside the Bedford County Courthouse on another occasion. This time he pulled her aside and asked her if she spoke to Trooper McCULLOUGH. HIGGINS then asked if she was questioned by Corporal AUGHINBAUGH about their relationship or if he had taken her to Pittsburgh. Female 2 denied speaking to your affiant. HIGGINS then told her to deny their relationship if your affiant or anyone else asked about it. Your affiant obtained video surveillance from the Bedford County Courthouse which captured the meeting between HIGGINS and Female 2.

Your affiant obtained the cooperation of a drug dealer who will be referred to as Female 3. Female 3 was a known distributor of controlled substances in the Bedford County area and had been targeted by several members of law enforcement for several years. HIGGINS himself prosecuted Female 3 for a drug offense in 2011 for which she received a state prison sentence. On September 11, 2014 members of the Troop G Vice Unit and Bedford County Drug Task Force conducted a controlled purchase of Suboxone from Female 3 using a confidential informant, hereinafter referred to as "ZK". The controlled buy did not occur as investigators anticipated. While traveling to the buy location, ZK was stopped by Female 3's cousin, hereinafter referred to as "RSJ". RSJ

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was to take ZK to meet with Female 3 to obtain the Suboxone. The meeting between Female 3, RSJ and ZK was not observed by law enforcement. Shortly after the meeting, surveillance located RSJ and ZK and followed them as ZK dropped off RSJ. Immediately after, Investigators obtained Suboxone from ZK, who advised that Female 3 provided the Suboxone.

A short time after the controlled buy from RSJ, Trooper Michael McCULLOUGH had a conversation with HIGGINS about Female 3. HIGGINS advised McCULLOUGH that he saw Female 3 at a function in Hyndman, Pa. and her appearance made him believe she was no longer using drugs. Trooper McCULLOUGH responded that he had just made a purchase of Suboxone from Female 3 and her cousin and intended to arrange future controlled buys with Female 3 being the target of the investigation. Following this conversation, Trooper McCULLOUGH and the other investigators were unable to make additional controlled purchases from RSJ or Female 3. Trooper McCULLOUGH testified that after his conversation with HIGGINS, Female 3 would not respond to their confidential informant's phone calls or text messages as she had in the past. In December 2014, Trooper McCULLOUGH provided HIGGINS with a copy of his report and requested authorization to file criminal charges. HIGGINS directed McCULLOUGH to not file charges until additional controlled purchases could be made. Trooper McCULLOUGH testified that his report documented the fact that on the day of the controlled buy, RSJ was driving a green Camaro and female 3 was driving a black G6. McCULLOUGH also testified that no one read his report documenting the controlled purchase from RSJ other than assisting investigators, his supervisor, and HIGGINS.

Female 3 testified before the 40<sup>th</sup> Statewide Investigative Grand Jury that she attended a speech in Hyndman, Pennsylvania at a local church. District Attorney William HIGGINS was talking about the drug problem in the area and during the speech Female 3 felt HIGGINS was referring to her life experiences and addiction to drugs. After the speech Female 3 spoke with HIGGINS and introduced him to her cousin, RSJ. HIGGINS commented to Female 3 that he thought he recalled her name associated with a drug transaction. HIGGINS told Female 3 he would do her a favor and check with Trooper McCULLOUGH. HIGGINS then asked Female 3 for her cell phone number which she provided.

Female 3 testified that HIGGINS contacted her later that evening and told her she was "close" and to stay out of trouble. Following this initial phone call Female 3 testified that she and HIGGINS exchanged numerous text messages and as time progressed HIGGINS would comment on her appearance and eventually began sending messages that were sexual in nature. Female 3 testified that HIGGINS requested her to send erotic photographs of herself which she did. She also testified that HIGGINS requested that she meet him at the local "Hee Haw" event that was being held at the high school. Female 3 testified that she met HIGGINS at the event and eventually took a ride with him in his vehicle. HIGGINS drove to a remote area where

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Female 3 performed oral sex on him. Following the sexual interaction HIGGINS advised Female 3 that her cousin, RSJ, could thank her for not getting arrested. HIGGINS showed female 3 a document on his cellular phone which she described as a criminal affidavit. Female 3 testified that she read the document and recalled it containing information about RSJ driving a green Camaro and that she (Female 3) was driving a black G6. After she read the document, HIGGINS identified the confidential informant by name.

Female 3 and HIGGINS maintained contact after the Hee Haw incident. Over the course of their communications, HIGGINS instructed her to stay away from the following individuals: "JF", "SC", "JP", "DT", and "DS". The investigation in this case revealed that each one of these individuals acted as a confidential informant in Bedford County.

In June 2015, Higgins again protected Female 3 from law enforcement. On June 11, 2015, Trooper McCULLOUGH and Deputy NELSON attempted to get approval from HIGGINS for a search warrant at Female 3's residence. The affidavit of probable cause would have identified, by name, two individuals who separately witnessed a large amount of cocaine and heroin in Female 3's residence on June 10, 2015. These two individuals also provided corroborating statements concerning the source of Female 3's heroin and crack cocaine as well as the prices that Female 3 charged in connection with the sale of the drugs. HIGGINS refused to approve the search warrant. Both Deputy NELSON and Trooper McCULLOUGH were shocked that the search warrant was not approved. Trooper McCULLOUGH testified that HIGGINS approved a search warrant three months prior that contained information from only one individual with no corroboration. Female 3 testified that she remembered that HIGGINS stopped her in the Bedford County Courthouse in either the Spring or Summer of 2015 and told her that he "saved her ass". When she questioned him about it later, he admitted that he refused to sign a search warrant for her residence.

During one of their conversations, HIGGINS told Female 3 that an individual named Mike Crawley made a written statement that allegedly detailed the inappropriate relationship between HIGGINS and Female 3. HIGGINS warned Female 3 to be prepared to be questioned about their relationship. He told her to state that they had a bad relationship and did not get along. Higgins also requested that she write a statement denying their relationship, which she did. Female 3 testified that she knew HIGGINS was asking her to "lie on paper". Female 3 testified that she met with Bedford County Detective Courtney WISE in September or October of 2015. As she wrote out the statement, Detective WISE made her change the statement on numerous occasions. Detective WISE would draw a line through something that Female 3 wrote and make her initial it. WISE then would tell Female 3 exactly what to write.

In September of 2016 Female 3 agreed to cooperate with the investigation into HIGGINS. She made a series of recorded phone calls, texts and SnapChat communications with HIGGINS. During one of their conversations, Female 3 advised

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HIGGINS that she had been subpoenaed to a grand jury. She told HIGGINS that she was served with the subpoena by the state police and they had asked questions about him. She asked HIGGINS what she should tell them. HIGGINS told her to contact a specific attorney. During the conversation, the following dialogue occurred:

Female 3: ...like when I go in there and he says 'well, why do you think that they came to you and questioned you about that person.' "Like, what am I supposed to say? Like, never, ever never...

HIGGINS: Yeah exactly (unrecognizable).

Female 3: Like, just that and leave it at that. And say that I have no fucking idea. Okay?

HIGGINS: Exactly, exactly.

On May 26, 2017, Female 3 was arrested and charged in Bedford County for selling crack and heroin to a confidential informant. HIGGINS advised a local attorney, hereinafter referred to as AZ, that Female 3 would be retaining him to represent her in that drug case. HIGGINS advised AZ that there was an on-going grand jury probe and that Female 3 was a person of interest to the investigation. During their initial conversation, HIGGINS admitted to AZ that he had a previous sexual encounter with Female 3. HIGGINS instructed AZ to find out if Female 3 had been approached by the police or had appeared before the grand jury. He further asked AZ to find out if investigators had Female 3's cellular phone and whether text messages had been deleted.

AZ testified before the Grand Jury that he was retained by Female 3. He first met her at the Bedford County Jail where he asked her the questions requested by HIGGINS. Both Female 3 and AZ testified that this initial conversation, and all subsequent conversations, focused primarily on the investigation into HIGGINS and rarely her criminal case. At Female 3's preliminary hearing, AZ provided HIGGINS with Female 3's answers his questions. HIGGINS then asked AZ to find out, from Female 3, what other individuals testified before the grand jury, as well as, the names of the people who were investigating him. HIGGINS advised AZ that Female 3 would only have to plead guilty to one count of possession with intent to deliver a controlled substance and that she would receive a sentence at the low end of the sentencing guidelines. He further told AZ that First Assistant District Attorney Leslie Childers-Potts would handle Female 3's case in court because he did not "want his hands on it." HIGGINS further stated that they "couldn't make it look too obvious," which AZ believed was a reference to the generous plea offer that had been extended to Female 3.

On September 15, 2017, Female 3 was sentenced to a period of incarceration of 15 months to 5 years. According to Pennsylvania's sentencing guidelines, based on her prior convictions, 15 months is the low end of the standard range for Female 3.



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Through the course of this investigation, Your Affiant became aware of another female, Ruby SITES, who received favorable prosecutorial treatment by HIGGINS. SITES testified before the grand jury that she is a friend of HIGGINS and has helped in HIGGINS re-election campaign. Your Affiant reviewed HIGGINS' phone records at various intervals throughout 2016 and 2017. Ruby SITES was one of the most frequently contacted numbers on his phone records. Chief Deputy Sheriff Diane NELSON testified that she filed three traffic citations against Ruby SITES in 2016. HIGGINS contacted NELSON's boss, Sherriff Charwin REICHELDERFER on two separate occasions and told REICHELDERFER to have NELSON withdraw the citations. When REICHELDERFER refused, HIGGINS told him that he would have them withdrawn if they were brought to the county level on appeal. Following a summary hearing before the Magisterial District Judge, SITES was convicted of two of the three traffic citations. SITES appealed the summary convictions to the court of common pleas. Deputy NELSON testified that she was present at the summary appeal hearing. She was advised by First Assistant CHILDERS-POTTS that HIGGINS directed her to withdraw the summary citations and allow SITES to plead to a citation that would not give her points on her driving record. NELSON objected to this plea, but the court imposed it over her objection.

Kathy J. Culhane 4/4/18  
MAW 57-3-04

Col. J. A. B. R. 04/04/2018